

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p>In the Matter of Trademark Application Serial No. 78/229,875 Mark: MESSAGE IN A BOTTLE</p> <p>GOLD SHELLS, INC., a California corporation, Opposer,</p> <p>v. KEITH CANGIARELLA, Applicant.</p> <p>-----</p> <p>In the Matter of Trademark Registration No. 2,243,269 Mark: MESSAGE IN A BOTTLE</p> <p>KEITH CANGIARELLA, Petitioner,</p> <p>v. ROGER ROJAS, Respondent.</p>	<p>Opposition No. 91162780 and Counterclaim for Cancellation</p> <p>DECLARATION OF LUGENE M. BORBA IN SUPPORT OF RESPONSE OF OPPOSER GOLD SHELLS, INC., TO APPLICANT KEITH CANGIARELLA'S MOTION TO COMPEL RESPONSES TO FIRST SET OF INTERROGATORIES AND REQUEST FOR STAY OF PROCEEDINGS</p>
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I, Lugene M. Borba, state as follows:

1. I am a California Certified Legal Secretary, and a member of Stanislaus County Legal Secretaries Association and Legal Secretaries Incorporated. I am also the legal secretary and assistant to Peter H. Smith, who is the attorney for Opposer Gold Shells, Inc., in the present proceeding, and process all of his incoming and outgoing mail.

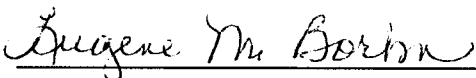
2. On August 25, 2005, I received in the mail, directed to Peter H. Smith, an envelope from Attorney Stephen L. Anderson containing a request for admissions and a request for documents in the present proceeding. Each of these requests was accompanied by a certificate of service stating that the documents had been mailed on August 17, 2005. There were no interrogatories or other enclosures in the envelope.

3. In processing the incoming mail for Peter H. Smith's office, both before and after receiving the above documents, I never received any interrogatories from Applicant Keith Cangiarella or his attorney, Stephen L. Anderson.

4. The only time I received such interrogatories was by facsimile from Stephen L. Anderson on September 16, 2005.

5. On October 13, 2005, I deposited in the mail a response from Opposer Gold Shells, Inc., to Applicant's interrogatories in this proceeding, addressed to Applicant's attorney, Stephen L. Anderson. Inadvertently, I addressed the response to Attorney Anderson's former address rather than his new address.

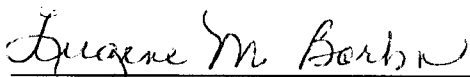
I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed in Modesto, California, on October 28, 2005.

  
Lugene M. Borba

*Certificate of Service*

I hereby certify that a copy of the foregoing DECLARATION OF LUGENE M. BORBA was mailed first-class mail, postage prepaid, to Stephen L. Anderson, Esq., Anderson & Associates, 32605 Highway 79 South, Suite 208, Temecula, California 92592, attorney for Applicant, on October 28, 2005.

Dated: October 28, 2005.

  
LUGENE M. BORBA

**CERTIFICATE OF EXPRESS MAILING**  
**UNDER 37 CFR §2.198**

Mark: MESSAGE IN A BOTTLE

Serial No.: 78/229,875

Opposition No. 91162780

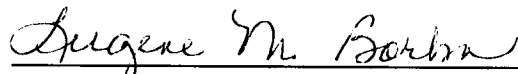
Name of party filing paper: Gold Shells, Inc.

Type of paper being filed: Declaration of Lugene M. Borba in Support of  
Response of Opposer Gold Shells, Inc., to Applicant  
Keith Cangiarella's Motion to Compel Responses to  
First Set of Interrogatories and Request for Stay of  
Proceedings

Express Mail Mailing Label Number: ED 447628134 US

Date of Deposit: October 28, 2005

I hereby certify that the above-identified declaration, which is attached, is being deposited on October 28, 2005, with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §2.198 in an envelope addressed to: U.S. Patent & Trademark Office, Trademark Trial & Appeal Board, P. O. Box 1451, Alexandria, VA 22313-1451.



Lugene M. Borba

Date: October 28, 2005